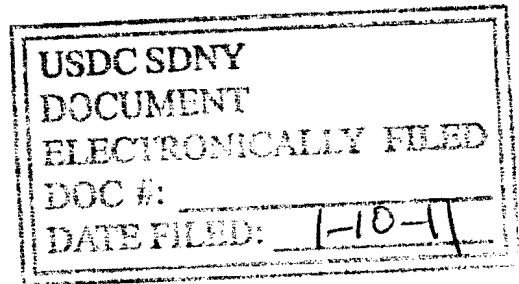


*Keenan, J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



F&H Tradename, LLC, and Charles  
Square Cambridge LLC

Plaintiffs,

v.

NY Charles Hotel, Inc., and  
Charles Chong, a.k.a. Chol Ho Chong,  
individually,

Defendants

CIVIL ACTION NO.: 10-cv-08843(JFK)

**CONSENT ORDER**

F&H Tradename, LLC and Charles Square Cambridge LLC ("Plaintiffs" or "the Charles Hotel") through their attorneys, Wilmer Cutler Pickering Hale and Dorr LLP having filed their complaint dated November 23, 2010 (the "Complaint"), and NY Charles Hotel, Inc. and Charles Chong, a.k.a. Chol Ho Chong ("Defendants"), through their attorneys, Choi Ahnrlaw PC, having taken immediate steps to remedy the matters complained of and all parties, represented by counsel, having consented without trial or adjudication of any issue of law or fact herein, to entry of this Consent Order ("Order"),

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction of the subject matter hereof and all parties hereto with full power to enter this Order. The Complaint alleges causes of action against Defendants for violation of the Trademark Act of 1946 as amended ("the Lanham Act"), 15 U.S.C. § 1114(a); 1125(a) and (c); common law unfair competition; common law trademark infringement, injury to

business reputation and dilution under New York law, and deceptive trade practices under New York law.

2. Each of the Defendants, their agents, employees, officers, directors, members, parents, subsidiaries, shareholders, successors, assigns or anyone acting in concert with either of the Defendants (collectively "Affiliates") are hereby each permanently enjoined and restrained from:

A. Using the designations CHARLES, THE CHARLES, CHARLES HOTEL, NEW YORK CHARLES HOTEL, NEW YORK CITY CHARLES HOTEL, NY CHARLES HOTEL or NYC CHARLES HOTEL or any mark confusingly similar thereto for any hotel, spa, restaurant, hospitality or similar operation.

B. Representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion, mistake or to deceive purchasers into believing that Defendants' operations originate with or are the operations of the Charles Hotel or that there is any sponsorship, affiliation or connection between the Charles Hotel and either Defendant, and from otherwise competing unfairly with Plaintiffs.

C. Using any mark, design or slogan in a manner so as to cause the dilution of the distinctive quality of Plaintiffs' trademarks "Charles Hotel" and "The Charles Hotel", including, but not limited to, using the designations CHARLES, THE CHARLES, CHARLES HOTEL, NEW YORK CHARLES HOTEL, NEW YORK CITY CHARLES HOTEL, NY CHARLES HOTEL or NYC CHARLES HOTEL;

D. Registering or using any Internet domain name that comprises, in whole or in part, the name CHARLES, THE CHARLES, CHARLES HOTEL, NEW YORK CHARLES

HOTEL, NEW YORK CITY CHARLES HOTEL, NY CHARLES HOTEL or NYC CHARLES HOTEL;

E. Applying for registration of any mark that incorporates the "Charles Hotel" and "The Charles Hotel" trademarks owned by Plaintiffs, or any colorable imitation thereof; and

F. Aiding, assisting or abetting any other party in doing any act under subparagraphs A through E above.

3. Within five (5) days of the entry of this Order, each Defendant shall, at Defendants' sole expense, cease using the name CHARLES, THE CHARLES, CHARLES HOTEL, NEW YORK CHARLES HOTEL, NEW YORK CITY CHARLES HOTEL, NY CHARLES HOTEL or NYC CHARLES HOTEL.

4. If the Court finds that either of the Defendants have violated this Order, Plaintiffs shall be entitled to (a) pursue any and all remedies available to them for such violation, including, but not limited to, seeking an order finding Defendants in contempt of the Order, and (b) an award of damages, attorneys' fees and costs incurred as a result of Plaintiffs' having to pursue such violation.

5. Plaintiffs' Complaint is dismissed with prejudice and without costs.

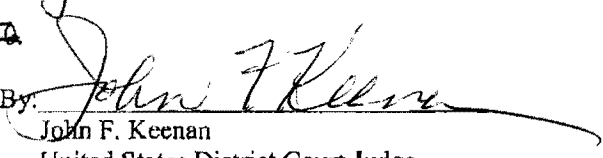
6. Each person executing this Order on behalf of a corporation or individual represents that he or she is authorized to do so.

7. This Court shall retain jurisdiction over this action to enable the parties to make application to this Court for such further orders and directions as may be necessary or appropriate in relation to the carrying out of this Order.

8. This Order shall become effective immediately. The Clerk is directed to enter this Consent Order.

Dated this 10 day of January, ~~December, 2010~~.

By:

  
John F. Keenan

United States District Court Judge

Be

We hereby consent to the form and entry of the foregoing Order.

Dated: 6 January 2011

F&H TRADENAME, LLC


By: Peter Diana  
Name: Peter Diana  
Title: Authorized Signatory

Dated: 6 January 2011

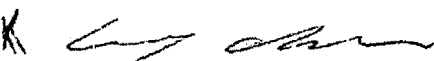
CHARLES SQUARE CAMBRIDGE LLC

By: Peter Diana  
Name: Peter Diana  
Title: Authorized Signatory

Dated: \_\_\_\_\_ NY CHARLES HOTEL, INC.

By:   
Name: CHOL HO CHONG  
Title: President

Dated: \_\_\_\_\_ CHARLES CHONG, A.K.A. CHOL HO  
CHONG

By:   
Name:  
Title: